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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,080	05/15/2001	Kevin Collins	10006721-1	2538

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EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,080

Applicant(s)

COLLINS ET AL.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 1,5,17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are pending.

Specification

2. The disclosure is objected to because of the following informalities: on page 11, line 17, Applicant states "For example, the transaction 200-202 is given the highest priority..." It is thought Applicant meant to write "For example, the transaction 200 is given the highest priority..." Appropriate correction is required.
3. The use of the trademarks Intel Pentium and Palm Pilot has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

4. Claims 1, 5, 17, and 20 are objected to because of the following informalities: they are written in an outline format (a), b), etc.), and should be written in sentence form. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The term "part" in claim 3 is a relative term which renders the claim indefinite. The term "part" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

7. Claim 7 recites the limitation "...usage policy comprises a number of rules, each defining meta data..." The phrase "defining meta data" appears to be inconsistent with the specification because the specification only indicates that a transaction has "meta data" associated with it, and does not define the meta data.

8. The term "a number of" in claim 12 is a relative term which renders the claim indefinite. The term "a number of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 4, 5, 8, 13, 14, 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan et al. (U.S. 6,640,278) and further in view of Kanada (US 2001/0039576 A1).

11. As to claims 1, 3, and 16, Nolan teaches a method for managing transactions at a network storage device (Nolan, col. 1, lines 27-29) comprising: receiving and reading a transaction at the network storage device (Nolan, col. 2, lines 46-49) and assigning a priority to the transaction (Nolan, col. 27, lines 65-67), but does not disclose a usage policy. However, Kanada does teach a usage policy (Kanada, page 1, paragraph 8). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Nolan and Kanada to contribute toward the goal of minimal human network administration so that only a single server needs to be updated and all related network devices will automatically download this update and behave similarly (Kanada, page 1, paragraph 7).

12. As to claim 4, the combination of Nolan and Kanada (Nolan-Kanada) discloses the invention substantially as described in claim 1, including ordering the transaction among other transactions in a queue at the network storage device (Nolan, Fig. 29; col. 29, lines 29-35).

13. As to claim 5, Nolan-Kanada discloses the invention substantially including managing transactions at a network storage device (Nolan, col. 1, lines 27-29) comprising: generating a usage policy for the network storage device and distributing the usage policy to the network

storage device (Kanada, Fig. 2) for prioritizing transactions (Kanada, Fig. 3B, element 387; page 10, paragraph 152). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Nolan and Kanada to contribute toward the goal of minimal human network administration so that only a single server needs to be updated and all related network devices will automatically download this update and behave similarly (Kanada, page 1, paragraph 7).

14. As to claims 8 and 13, Nolan-Kanada discloses the invention substantially including a usage policy being stored on a network storage device (Kanada, page 2, paragraph 28) and ability to prioritize transactions based on a usage policy (Kanada, Fig. 3B, element 387; page 10, paragraph 152). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Nolan and Kanada to contribute toward the goal of minimal human network administration so that only a single server needs to be updated and all related network devices will automatically download this update and behave similarly (Kanada, page 1, paragraph 7).

15. As to claim 14, Nolan-Kanada discloses the invention substantially including the ability to define a usage policy at a policy management server and the ability to distribute it to a network storage device (Kanada, page 14, paragraph 188).

16. As to claim 17, Nolan-Kanada discloses the invention substantially, including the ability to install on a policy management server (Kanada, page 3, paragraph 66), define a usage policy

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and install the policy on a network storage device (Kanada, page 14, paragraph 188), and prioritize a number of transactions (Kanada, Fig. 3B, element 387; page 10, paragraph 152).

17. As to claims 18 and 19, Nolan-Kanada discloses the invention substantially, including transactions flowing into and out of the network storage device (Kanada, page 9, paragraph 136).

18. As to claim 21, Nolan-Kanada discloses the invention substantially including determining transmission of transactions based on priority (Kanada, page 1, paragraphs 19).

19. Claims 2, 6, 9, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan and Kanada as applied to claim 1 above, and further in view of Gibson et al ("Network Attached Storage Architecture, 2000).

20. As to claims 2, 6, 9, and 15, Nolan-Kanada discloses the invention substantially including receiving the usage policy at the network storage device (Kanada, page 14, paragraph 188) and identifying a network storage device on a network (Nolan, col. 25, lines 26-29). While Nolan-Kanada discloses a network storage device and discusses SAN (Nolan, col. 1, lines 43-46), it does not expressly teach a NAS. However, Gibson et al. state that the technologies of NAS and SAN are converging (page 42, "Converging of NAS and SAN"). Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine Nolan- Kanada and Gibson (Nolan-Kanada-Gibson) to view these storage

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techniques as interchangeable alternatives for solving the same set of customer problems (Gibson, page 42).

21. Claims 7, 10, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan-Kanada as applied to claim 8 above, and further in view of Comer("Internetworking with TCP/IP, 1995).
22. As to claims 7 and 10, Nolan-Kanada discloses the invention substantially including a usage policy comprising of a number of rules (Kanada, Fig. 4A; page 2, paragraph 21), each defining a meta data and a corresponding priority and where the policy assigns a priority to a transaction if it satisfies a rule (Kanada, Fig. 3B, element 381; page 10, paragraph 152). But Nolan-Kanada do not explicitly teach the use of meta data. However, the Microsoft Computer Dictionary defines "meta data" as "data about data." Comer does teach the use of a packet that includes a header which contains information about the contents of the data and a data area (Comer, page 92, Fig. 7.2), and the header also contains information on the precedence of the packet (Comer, page 93, Fig. 7.4). In the Differentiated Services technique, Kanada describes the DSCP as a value that describes an aggregate of packets (Kanada, page 1, paragraph 19), and therefore this header would be considered meta data. It would have been obvious to combine the teachings of Nolan-Kanada with Comer because all three references discuss the TCP/IP protocol(Nolan, col. 8. lines 20-21; Kanada, page 5, paragraph 88, Comer, page 92), which include a packet structure that includes a header and a data area.

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23. As to claim 11, Nolan-Kanada discloses the invention substantially as described in claim 8, including use of a packet being transmitted from one network device to another (Kanada, page 1, paragraph 17), and the meta data field being read against a usage policy (Kanada, page 1, paragraph 19) and the transaction ordered in a queue according to priority (Kanada, page 10, paragraph 152). But Nolan-Kanada does not explicitly disclose the use of at least one data field and at least one meta data field. The Microsoft Computer Dictionary defines "meta data" as "data about data." Comer does teach the use of a packet that includes a header which contains information about the contents of the data and a data area (Comer, page 92, Fig. 7.2), and the header also contains information on the precedence of the packet (Comer, page 93, Fig. 7.4). In the Differentiated Services technique, Kanada describes the DSCP as a value that describes an aggregate of packets (Kanada, page 1, paragraph 19), and therefore this header would be considered meta data. It would have been obvious to combine the teachings of Nolan-Kanada with Comer because all three references discuss the TCP/IP protocol (Nolan, col. 8. lines 20-21; Kanada, page 5, paragraph 88, Comer, page 92), which include a packet structure that includes a header and a data area.

24. As to claim 20, claim 11 performs the same functions as claim 20. Therefore, paragraph 23 of this Office Action discloses all of the limitations of claim 20.

25. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan-Kanada as applied to claim 8 above, and further in view of Mahon, et al ("Requirements for a Policy Management System," 1999).

As to claim 12, Nolan-Kanada discloses the invention substantially including a usage policy comprising of a number of rules (Kanada, page 2, paragraph 27). But, it fails to teach default rules. However, Mahon teaches a default rule that is enacted if none of the other rules match the action type (Mahon, page 69). It would have been obvious to combine the teachings of Nolan-Kanada with that of Mahon in order to assure that the rules set forth on the network account for any contingencies and to contribute toward the goal of minimal human network administration (Kanada, page 1, paragraph 7).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (703) 305-8865. The examiner can normally be reached on 7:15am - 3:45pm, Monday - Friday. The examiner will be moving in mid-October and can be reached then at (571) 272-3981. The Tech Center main telephone number will be (571) 272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



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